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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,552	04/09/2004	Frank Quartier	F0419	2614
7590	11/10/2004		EXAMINER	
LAWRENCE G. FRIDMAN SILBER & FRIDMAN 66 Mount Prospect Avenue Clifton, NJ 07013			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/822,552	QUARTIER, FRANK	
Examiner	Art Unit		
Yonel Beaulieu	3661		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,7-11,13-16 and 19-23 is/are rejected.
- 7) Claim(s) 5,6,12,17 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim objection

Claim 11 is objected to because of the following informalities: a bracket "[" is open before "to" (line 3) but is not closed after "10" (line 4). Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1 – 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 13 (lines 2, respectively), 3 (line 4) the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 10, the phrase "in particular" (line 5) is vague and indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 14, the phrase "lengths being possibly different" is vague because it is not readily clear as to what determines that possibility.

Regarding claim 16, the phrase "highway-like" (line 4) is vague and indefinite.

Are the "roads" highways or not?

Any dependent claims linking claims 1 and 13, directly or indirectly are necessarily rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 10, 13, 14, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Golding (US 5,933,100).

Regarding claims 1, 2, 7, 10, 13, 14, 19, and 22, Golding teaches a system for recording vehicle (fig. 1 at least) with a position determining system (GPS 3), comprising transmitting a received coordinate signal (abstract; col. 4: 40-41 at least); a digital road map stored in a memory (2); selected roads being subdivided into different appropriate sections, each being subdivided into selected length and width rectangular segments associated with superimposed respective coordinates (20). Golding does provide for unambiguous identification (see fig. 2) and road data optimization (col. 3: 32 – 53 and col. 4: 49 – 61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 8, 9, 15, 16, 20, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Golding ('100) in view of Hayashi et al. (US 5,710,702).

As discussed above, Golding teaches all of the limitations except for associating a toll with the vehicle and determining the entrance and exit entered by the vehicle.

However, Hayashi et al. teaches, in an art related field of vehicle navigation system, associating a vehicle with a toll and determining the section of the road segments entered and exited by the vehicle (see figs. 1 – 4, 7 – 12 at least; col. 4: 60 – 62; col. 5: 17 – 33; col. 7: 28 – col. 8: 35 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Golding's teaching by associating a vehicle with a toll and determining the section of the road segments entered and exited by the vehicle as evidenced by Hayashi et al. in order to enhance vehicle position or location accuracy.

Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding ('100) in view of Siegle et al. (US 5,508,917).

As discussed above, Golding teaches all of the limitations except for the road map being provided in the form of vector data.

However, Siegle et al teaches in the same field of endeavor of navigation system digital road map being provided in the form of vector data (col. 66 – col. 3: 2; col. 5: 37 – 50 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Golding's teaching by providing the road data in the form of vector data as evidenced by Siegle et al. in order to enhance guidance of the vehicle.

Allowable Subject Matter

Claims 5, 6, 12, 17, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A statement supporting the allowable subject matter will be provided in subsequent Office action(s).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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